

## **9 FAM 42.31**

# **FAMILY-SPONSORED IMMIGRANTS**

*(CT:VISA-965; 06-09-2008)  
(Office of Origin: CA/VO/L/R)*

## **9 FAM 42.31 RELATED STATUTORY PROVISIONS**

*(CT:VISA-965; 06-09-2008)*

See INA 203(a) (8 U.S.C. 1153(a)), INA 203(d) (8 U.S.C. 1153(d)), and INA 204 (8 U.S.C. 1154).

INA 203(a)

- a. Preference Allocation for Family-Sponsored Immigrants. - Aliens subject to the worldwide level specified in section 201(c) for family-sponsored immigrants shall be allotted visas as follows:
  - (1) Unmarried sons and daughters of citizens. - Qualified immigrants who are the unmarried sons or daughters of citizens of the United States shall be allocated visas in a number not to exceed 23,400, plus any visas not required for the class specified in paragraph (4).
  - (2) Spouses and unmarried sons and unmarried daughters of permanent resident aliens. - Qualified immigrants –
    - (A) who are the spouses or children of an alien lawfully admitted for permanent residence, or
    - (B) who are the unmarried sons or unmarried daughters (but are not the children) of an alien lawfully admitted for permanent residence, shall be allocated visas in a number not to exceed 114,200, plus the number (if any) by which such worldwide level exceeds 226,000, plus any visas not required for the class specified in paragraph (1); except that not less than 77 percent of such visa numbers shall be allocated to aliens described in subparagraph (A).
  - (3) Married sons and married daughters of citizens. – Qualified immigrants who are the married sons or married daughters of

citizens of the United States shall be allocated visas in a number not to exceed 23,400, plus any visas not required for the classes specified in paragraphs (1) and (2).

(4) Brothers and sisters of citizens. - Qualified immigrants who are the brothers or sisters of citizens of the United States, if such citizens are at least 21 years of age, shall be allocated visas in a number not to exceed 65,000, plus any visas not required for the classes specified in paragraphs (1) through (3).

INA 203(d)

d. Treatment of family members: A spouse or child as defined in subparagraph (A), (B), (C), (D), or (E) of section 101 (b)(1) of this title shall, if not otherwise entitled to an immigrant status and the immediate issuance of a visa under subsection (a), (b), or (c) of this section, be entitled to the same status, and the same order of consideration provided in the respective subsection, if accompanying or following to join, the spouse or parent.

## **9 FAM 42.31 RELATED REGULATORY PROVISIONS**

*(CT:VISA-965; 06-09-2008)*

See 22 CFR 42.31